

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

| | | |
|--------------------------------|---|-----------|
| JOHN D. FOSBINDER, |) | |
| |) | |
| Plaintiff, |) | 8:06CV522 |
| |) | |
| v. |) | |
| |) | |
| COVENTRY HEALTH CARE OF |) | ORDER |
| NEBRASKA, INC., a corporation, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the Court on plaintiff's motion for leave to file an amended complaint (Filing No. 10), defendant's brief in opposition to plaintiff's motion (Filing No. 11), and defendant's motion to dismiss (Filing No. 8). The Court has reviewed the proposed amended complaint and defendant's objections thereto, and finds that plaintiff's motion should be granted. Therefore, defendant's motion to dismiss is moot and will be denied without prejudice. Accordingly,

IT IS ORDERED:

1) Plaintiff's motion for leave to file an amended complaint is granted; plaintiff shall have until October 6, 2006, to file his amended complaint.

2) Defendant's motion to dismiss is denied without prejudice.

DATED this 21st day of September, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court